

REMARKS

Claims 1-25 are pending in this application. By this Amendment, claims 1 and 10 are amended to more fully distinguish the invention of the claims over the prior art references cited against these claims and claims 24 and 25 are added.

No new matter is added by this Amendment. Support for the language added to claims 1 and 10 is found in the original specification and claims. In particular, support for the language added to claims 1 and 10 is found in original claim 4. Support for the language added by claims 24 and 25 is found in claims 1 and 3.

The courtesies extended to Applicants' representative by Examiners Casiano and Gaffin at the interview held June 4, 2004 are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicants' record of the interview.

I. Rejections Under 35 U.S.C. §103(a)

Claims 1, 3, 10-12, 14-15, 17-18, 20-21 and 23 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,219,697 (hereinafter "Lawande") in view of U.S. Patent No. 6,108,718 (hereinafter "Fujimori").

Claim 2 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Lawande in view of Fujimori and further in view of U.S. Patent No. 5, 590, 124 (hereinafter "Robins").

Claims 4-9, 13, 16, 19 and 22 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Lawande in view of U.S. Patent No. 6,304,553 (hereinafter "Gehman").

These rejections are respectfully traversed.

As acknowledged by the Patent Office during the June 4 Examiner Interview, the cited references of record do not teach a first pointer storage means for storing pointer information

that specifies a boundary in the package storage means, as required by each of claims 1, 4 and 10. Nor do the cited references of record teach a changing point of the identification information that specifies a boundary, as recited in claim 24.

More specifically, as acknowledged by Examiners Casiano and Gaffin during the June 4 Examiner Interview, one of ordinary skill in the art would not have been motivated to combine the references as alleged in the Office Action because there is no suggestion to combine the references. That is, the Examiners acknowledged that Gehman fails to specifically disclose determining boundaries after reset. In other words, Lawande and/or Gehman fail to teach or suggest a data transfer control device for transferring data between a plurality of nodes connected to a bus, the data transfer control device comprising a first pointer storage register which stores first pointer information that specifies a boundary in the packet storage memory between an area for a packet received before the occurrence of a reset that clears node topology information and an area for a packet received after the occurrence of the reset, as recited in claim 4.

Claims 1 and 10 are both amended to also include the limitation of the pointer information that specifies a boundary in the packet storage memory between an area for a packet received before the occurrence of a reset that clears node topology information and an area for a packet received after the occurrence of the reset.

For the foregoing reasons, reconsideration and withdrawal of the rejections are respectfully requested.

II. Dependency of Claims 18-23

Claims 18-23 were incorrectly construed by the Patent Office to be independent claims. The Examiner asserts that a fee of \$516.00 is owed for payment of the alleged six new independent claims.

Applicants submit that claims 18-23 are proper dependent claims and thus no additional fees should be due. Each of these claims refers to an earlier claim, thereby depending from and further limiting such claim. If the Examiner disagrees, Applicants respectfully request that the Examiner specifically state what defect, if any, the dependent claims have, or why they should otherwise be construed to be independent claims. In the absence of any reasoning provided by the Patent Office, Applicants submit this statement of the claims as being independent claims should be withdrawn.

During the June 4 Interview, the Examiners cited Ex Parte Adrianus P.M.M. Moelands, 3 USPQ2d 1474 (Bd. Pat. App & Int, 1987) (hereinafter "Adrianus") when alleging that claims 18-23 are properly construed as independent claims.

However, Adrianus supports Applicants' position not the Patent Office's position. In Adrianus, the court states that 35 U.S.C. §112, fourth paragraph initially requires that a dependent claim contain a reference to a claim previously set forth. Here, claims 18-23, each contain a reference to a claim previously set forth, and thus comply with this statutory requirement.

Further, each of claims 18-23 include a further limitation of the subject matter claimed within the meaning of 35 U.S.C. §112, fourth paragraph. The language in 35 U.S.C. §112, fourth paragraph, encompasses the situation presented here, where a dependent claim adds a further limitation to what is already set forth in that dependent claim's parent claim or claims. Specifically, each of claims 18-23 essentially replicate that which is recited in the respective parent claims and add further limitations to the replication. Claims 18-23 are not broader than their parent claims, but further restrict the subject matter thereof by adding limitations thereto. No element of any respective parent claim is deleted or replaced by any other element in any of claims 18-23.

According to Adrianus, the fourth paragraph of 35 U.S.C. §112 also mandates that a claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers. Claims 18-23 do include at least every limitation of the claims from which they respectively depend. Furthermore, a device which would infringe the device of claims 18-23 would certainly infringe the device of respective base claims 1, 4 and 10.

Again, as discussed above, the Office Action has failed to specifically state what defect, if any, the dependent claims have, or why they should otherwise be construed to be independent claims. During the June 4 interview, the Examiners referenced Adrianus to support their allegation that claims 18-23 should be construed as independent claims. However, it appears the Examiners are relying on the dissent of Adrianus. As discussed above, Adrianus supports Applicants' position that claims 18-23 are proper dependent claims.


In the absence of any specific reasoning provided by the Patent Office and for the reasons discussed above, Applicants submit that claims 18-23 are proper dependent claims.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-23 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Joel S. Armstrong
Registration No. 36,430

Linda M. Saltiel
Registration No. 51,122

JAO:LMS/mlv

Date: June 14, 2004

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
